

Message Text

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10

ACTION NEA-12

INFO OCT-01 EUR-25 ADP-00 PM-07 L-03 CIAE-00 INR-10

NSAE-00 RSC-01 OMB-01 RSR-01 /061 W

----- 024044

P R 070925Z AUG 73

FM AMEMBASSY MANAMA

TO SECSTATE WASHDC PRIORITY 0803

INFO AMEMBASSY KUWAIT KUWAIT

SECDEF WASHDC

CNO WASHDC

USCINCEUR VAIHINGEN GERMANY

CINCUSNAVEUR LONDON ENGLAND

COMIDEASTFOR

JAG NAVY WASHDC

C O N F I D E N T I A L MANAMA 0463

E.O. 11652 : GDS

TAGS : MARR, PFOR, BA

SUBJECT : CRIMINAL JURISDICTION OVER U.S. NAVAL PERSONNEL

REF: : STATE 153862 AND MANAMA 410

1) COMIDEASTFOR AND CHARGE HAVE CONSULTED ON INSTRUCTIONS IN STATE REFTEL. CHARGE INTENDS TO EXPLAIN ORALLY TO FONMIN SHAIKH MUHAMMAD (AND LEAVE TALKING PAPER WITH HIM) INFORMAL STANDARDS AND OTHER POINTS WE PROPOSE IN FUTURE IMPLEMENTATION OF ARTICLE 11. AS SOON AS CLEAR UNDERSTANDING IS REACHED ON ALL POINTS, BELIEVE BEST WAY TO PROCEED WOULD BE UNILATERAL LETTER FROM CHARGE TO FONMIN STATING INFORMAL STANDARDS. WE COULD DRAFT TEXT FOR DEPTS APPROVAL.

2) BEFORE ORAL EXPLANATION TO FONMIN, REQUEST CLARIFICATION ON FOLLOWING IN PARA 2 OF STATE REFTEL:

A) IN KEEPING WITH LIBERAL WAIVER POLICY, BELIEVE NAVY'S WILLINGNESS TO WAIVE JURISDICTION IN CASES CERTAIN TO BE OF PARTICULAR IMPORTANCE TO GOB SHOULD NOT RPT NOT BE LIMITED
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TO THOSE INVOLVING DEATH, PERMANENT DISABILITY, RAPE OR

TRAFFICKING IN DRUGS AS DRAFTED IN PARA 2. PREFER, AS WE DID
IN MANAMA 410, PARA 4, TO CITE THOSE CATEGORIES AS EXAMPLES
FOR POSSIBLE WAIVERS./(

B) LAST SENTENCE OF PARA 2 IS NOT RPT NOT CLEAR TO US.
DO NOT UNDERSTAND CONNECTION BETWEEN POSSIBLE PERIODS OF MARTIAL
LAW AND PARA 12 RPT 12 OF AGREEMENT.

3) PROPOSE TO DISCUSS WITH FONMIN COMPREHENSIVE LIST OF FAIR
TRAIL GUARANTEES CONTAINED IN DOD DIRECTIVE 5525.1 OF JAN 20,
1966 RATHER THAN SHORTER VERSION IN ARTICLE VII NATO SOFA.

4) ACTION REQUESTED: SINCE FONMIN IS DEPARTING BAHRAIN IN TWO WEEKS
AND WILL BE ABSENT UNTIL MID-OCTOBER, REQUEST DEPTS REPLY IN NEXT
DAY OR TWO SO OUR PROPOSAL CAN BE PRESENTED TO HIM AUGUST 11.
STEIN

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Message Attributes

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30 JUN 2005

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